

**Senate File 382 - Introduced**

SENATE FILE 382

BY WAHLS

**A BILL FOR**

1 An Act relating to the conduct of elections, including the  
2 recounting of ballots, the mailing of absentee ballots, and  
3 in-person absentee voting.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 50.48, subsection 3, Code 2021, is  
2 amended to read as follows:

3 3. a. The recount shall be conducted or overseen by a board  
4 which shall consist of one of the following:

5 (1) For a county with a population of fewer than twenty-five  
6 thousand people:

7 ~~{1}~~ (a) ~~A designee~~ Two designees of the candidate  
8 requesting the recount, who shall be named in the written  
9 request when it is filed.

10 ~~{2}~~ (b) ~~A designee~~ Two designees of the apparent winning  
11 candidate, who shall be named by that candidate at or before  
12 the time the board is required to convene.

13 ~~{3}~~ (c) A person chosen jointly by the members designated  
14 under ~~subparagraphs {1}~~ subparagraph divisions (a) and {2} (b).

15 (2) For a county with a population of at least twenty-five  
16 thousand but less than ninety thousand people:

17 (a) Three designees of the candidate requesting the  
18 recount, who shall be named in the written request when it is  
19 filed.

20 (b) Three designees of the apparent winning candidate, who  
21 shall be named by that candidate at or before the time the  
22 board is required to convene.

23 (c) A person chosen jointly by the members designated under  
24 subparagraph divisions (a) and (b).

25 (3) For a county with a population of ninety thousand people  
26 or greater:

27 (a) Three designees of the candidate requesting the  
28 recount, who shall be named in the written request when it is  
29 filed.

30 (b) Three designees of the apparent winning candidate, who  
31 shall be named by that candidate at or before the time the  
32 board is required to convene.

33 (c) Three persons chosen jointly by the members designated  
34 under subparagraph divisions (a) and (b).

35 b. The commissioner shall convene the persons designated

1 under paragraph "a", ~~subparagraphs~~ subparagraph (1) and,  
 2 subparagraph divisions (a) and (b), subparagraph (2),  
 3 subparagraph divisions (a) and (b), or subparagraph (3),  
 4 subparagraph divisions (a) and (b), not later than 9:00 a.m.  
 5 on the seventh day following the county board's canvass of the  
 6 election in question. If those ~~two~~ members cannot agree on the  
 7 ~~third~~ additional member or members by 8:00 a.m. on the ninth  
 8 day following the canvass, they shall immediately so notify the  
 9 chief judge of the judicial district in which the canvass is  
 10 occurring, who shall appoint the ~~third~~ additional member or  
 11 members not later than 5:00 p.m. on the eleventh day following  
 12 the canvass.

13 Sec. 2. Section 50.48, subsection 4, paragraphs a and c,  
 14 Code 2021, are amended to read as follows:

15 a. When all members of the recount board have been selected,  
 16 the board shall undertake and complete the required recount  
 17 as expeditiously as reasonably possible. The recount board  
 18 may conduct the recount or may direct the county commissioner  
 19 and the county commissioner's staff to conduct the recount.  
 20 The recount board shall oversee any recount conducted by the  
 21 county commissioner and the county commissioner's staff. The  
 22 commissioner or the commissioner's designee shall supervise the  
 23 handling of ballots to ensure that the ballots are protected  
 24 from alteration or damage. The board or county commissioner  
 25 shall open only the sealed ballot containers from the precincts  
 26 specified to be recounted in the request or by the recount  
 27 board. The board or county commissioner shall recount only  
 28 the ballots which were voted and counted for the office in  
 29 question, including any disputed ballots returned as required  
 30 in [section 50.5](#). ~~If automatic tabulating equipment was used~~  
 31 ~~to count the ballots, the~~ The recount board may request the  
 32 commissioner to retabulate the ballots using the automatic  
 33 tabulating equipment on a per precinct basis, and the recount  
 34 board shall visually examine each ballot that the automatic  
 35 tabulating equipment identifies as containing an undervote, an

1 overvote, or a write-in vote to determine voter intent. The  
 2 same program used for tabulating the votes on election day  
 3 shall be used at the recount unless the program is believed or  
 4 known to be flawed.

5 c. The ballots shall be resealed by the recount board  
 6 or county commissioner before adjournment and shall be  
 7 preserved as required by section 50.12. At the conclusion of  
 8 the recount, the recount board shall make and file with the  
 9 commissioner a written report of its findings, which shall be  
 10 signed by at least ~~two~~ two-thirds of the members of the recount  
 11 board. The recount board shall complete the recount and file  
 12 its report not later than the eighteenth day following the  
 13 county board's canvass of the election in question.

14 Sec. 3. Section 53.8, subsection 1, paragraph a, unnumbered  
 15 paragraph 1, Code 2021, is amended to read as follows:

16 Upon receipt of an application for an absentee ballot and  
 17 immediately after the absentee ballots are printed, but not  
 18 more than ~~twenty-nine~~ forty-five days before the election, the  
 19 commissioner shall mail an absentee ballot to the applicant  
 20 within twenty-four hours, except as otherwise provided in  
 21 subsection 3. When the United States post office is closed in  
 22 observance of a federal holiday and is not delivering mail on  
 23 the ~~twenty-ninth~~ forty-fifth day before the election, the first  
 24 day to mail absentee ballots is the next business day on which  
 25 mail delivery is available. The absentee ballot shall be sent  
 26 to the registered voter by one of the following methods:

27 Sec. 4. Section 53.10, subsection 1, Code 2021, is amended  
 28 to read as follows:

29 1. Not more than ~~twenty-nine~~ forty-five days before the  
 30 date of the primary election or the general election, the  
 31 commissioner shall provide facilities for absentee voting in  
 32 person at the commissioner's office. This service shall also  
 33 be provided for other elections as soon as the ballots are  
 34 ready, but in no case shall absentee ballots be available under  
 35 this section more than ~~twenty-nine~~ forty-five days before an

1 election.

2 Sec. 5. Section 53.11, subsection 1, paragraph a, Code 2021,  
3 is amended to read as follows:

4 a. Not more than ~~twenty-nine~~ forty-five days before the  
5 date of an election, satellite absentee voting stations may be  
6 established throughout the cities and county at the direction  
7 of the commissioner and shall be established upon receipt  
8 of a petition signed by not less than one hundred eligible  
9 electors requesting that a satellite absentee voting station  
10 be established at a location to be described on the petition.  
11 However, if a special election is scheduled in the county on a  
12 date that falls between the date of the regular city election  
13 and the date of the city runoff election, the commissioner is  
14 not required to establish a satellite absentee voting station  
15 for the city runoff election.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the conduct of elections, including the  
20 recounting of ballots, the mailing of absentee ballots, and  
21 in-person absentee voting.

22 The ballot changes the size of a recount board based on the  
23 population of the county. For a county with a population of  
24 fewer than 25,000 people, the bill requires a recount board  
25 to consist of two designees of each contestant and one person  
26 agreed upon by the designees. For a county of at least 25,000  
27 but less than 90,000 people, the bill requires a recount board  
28 to consist of three designees of each contestant and one person  
29 agreed upon by the designees. For a county of 90,000 people or  
30 greater, the bill requires a recount board to consist of three  
31 designees of each contestant and three persons agreed upon by  
32 the designees. The bill requires a report of a recount board  
33 to be signed by two-thirds of the members of the board.

34 The bill allows the recount board to direct the county  
35 commissioner or the county commissioner's staff to conduct a

1 recount. The board requires the recount board to oversee any  
2 recount conducted by the county commissioner or the county  
3 commissioner's staff.

4 The bill allows a recount to be conducted on a per precinct  
5 basis using automatic tabulating equipment. The bill requires  
6 the recount board to visually examine each ballot that the  
7 equipment identifies as containing an undervote, an overvote,  
8 or a write-in vote to determine voter intent.

9 The bill allows a county commissioner of elections to begin  
10 the mailing of absentee ballots starting 45 days before an  
11 election.

12 The bill also allows in-person absentee voting at a county  
13 commissioner's office or at a satellite location to begin 45  
14 days before an election.